

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

In re:

STEEPOLOGIE, LLC

Debtor

§  
§  
§  
§  
§  
§  
§

Chapter 11

Case No. 23-10671-cgb

**RESPONSE TO MOTION TO COMPEL PAYMENT OF POST-PETITION RENT AND  
OTHER APPROPRIATE RELIEF**

COMES NOW Steepologie, LLC and files this Response to Motion to Compel  
Payment of Post-Petition Rent and Other Appropriate Relief and would show as follows:

1. Debtor admits the allegations of para. 1.
2. Debtor admits the allegations of para. 2.
3. Debtor lacks information sufficient to admit or deny the first sentence of para. 3.  
Debtor admits the remainder of para. 3.
4. Debtor admits the allegations of para. 4.
5. Debtor admits the allegations of para. 5.
6. Debtor admits that Movant is entitled to an administrative claim. Debtor denies that it  
should be compelled to immediately pay such amount. Under Subchapter V, a debtor  
is permitted to pay administrative claims over the life of its plan.
7. Debtor admits that landlord is entitled to an administrative claim. Debtor denies that  
such claim should be paid immediately. Debtor denies that landlord is entitled to  
recover attorneys' fees.
8. Debtor admits the allegations of para. 8.
9. Debtor denies the allegations of para. 9. As explained in the seminal case of *In re Mr.*

*Gatti's, Inc.*, 164 B.R. 929 (Bankr. W.D. Tex. 1994), Congress mandated timely performance of a tenant's obligations but did not provide a remedy. The most logical remedy would be requiring the Debtor to pay the rent or surrender the property. Here, Debtor has already surrendered the property. Additionally, when Congress enacted Subchapter V it allowed payment of administrative claims over the life of a plan. If Debtor sought to assume the lease it would be required to cure the pre- and post-petition arrearages. However, since Debtor has rejected the lease the most the creditor is entitled to is an allowed administrative claim.

10. Debtor denies the allegations of para. 10.

11. Debtor denies the allegations of para. 11.

12. Debtor denies the allegations of para. 12.

13. Debtor denies the allegations of para. 13.

14. Debtor denies the allegations of para. 14.

15. Debtor admits the allegations of para. 15.

16. Debtor admits the allegations of para. 16.

Respectfully Submitted,

BARRON & NEWBURGER, P.C.

/s/ Stephen W. Sather

Stephen W. Sather (SBN 17657520)

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Telephone: (512) 476-9103

Facsimile: (512) 476-9253

ATTORNEYS FOR THE DEBTOR

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Response was served by first class mail, postage prepaid and properly addressed, on October 11, 2023 to all parties listed on the attached Service List, to the persons listed below by email and electronically by the Court's ECF system to all parties registered to receive such service.

/s/ Stephen W. Sather

Label Matrix for local noticing

0542-1

Case 23-10671-hcm

Western District of Texas

Austin

Fri Aug 25 14:10:17 CDT 2023

ALDERWOOD MALL L.L.C.

350 N. Orleans St Suite 300

Chicago, IL 60654-1607

Steepologie, LLC

2110 Ranch Road 620 S 341929

Steepologie, LLC

Austin, TX 78734-0279

ALDERWOOD MALL L.L.C.

ALDERWOOD MALL L.L.C.

350 N. Orleans St

Chicago, IL 60654-1975

U.S. BANKRUPTCY COURT

903 SAN JACINTO, SUITE 322

AUSTIN, TX 78701-2450

ALDERWOOD Mall, LLC

ALDERWOOD Mall, LLC

701 Fifth Avenue, Suite 3600

Seattle, WA 98104-7010

Alvarez Plumbing and Air Conditioning

Alvarez Plumbing and Air Conditioning

1623 S 51st ST

Tampa, FL 33619-5327

American Express

PO Box Box 981535

El Paso, TX 79998-1535

Andrea Raetzer

2901 S Capital of Texas Hwy,

Austin, TX 78746-8101

Barclays Card

Hawaaiian Airlines World Elite

P.O. Box 8802

Wilmington, DE 19899-8802

Bellweather Properties

c/o M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Bellwether Properties

c/o M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Blueprint Capital REIT, Inc.

PO Box Box 16309

Seattle, WA 98116-0309

(p)JPMORGAN CHASE BANK N A

BANKRUPTCY MAIL INTAKE TEAM

700 KANSAS LANE FLOOR 01

MONROE LA 71203-4774

Clear Finance Tech Corp.

Clear Finance Tech Corp CLEARCO CAPITAL

1200-33 Yonge Street

Toronto, Ontario, M5E 1G4

(p)US BANK

PO BOX 5229

CINCINNATI OH 45201-5229

Equinox Properties Corp.

600 N 36th Street Suite 1

Seattle, WA 98103-8830

Fashion Show Mall

c/o M.S., Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

GGP Ala Moana LLC

GGP Ala Moana LLC

350 N. Orleans Street 300

Chicago, IL 60654-1607

(p)REGENCY CENTERS

ATTN LEGAL DEPARTMENT

ONE INDEPENDENT DRIVE

SUITE 114

JACKSONVILLE FL 32202-5005

Geneva Capital, LLC

1311 Broadway St.

Alexandria, MN 56308-2533

Gibraltar, LLC

720 Seneca St. Suite B

Seattle, WA 98101-3265

Green Hills Mall TRG LLC

200 East Long Lake Road Suite 300

Bloomfield Hills, MI 48304-2324

Greenwood Park Mall, LLC

c/o M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Home Depot Credit Services

HOME DEPOT CREDIT SERVICES

P. O. Box 790328

Saint Louis, MO 63179-0328

INTERNATIONAL TEA IMPORTERS

INTERNATIONAL TEA IMPORTERS

2140 Davie Ave

Los Angeles, CA 90040-1706

Joe Raetzer

2901 S Capital of Texas Hwy,

Austin, TX 78746-8101

Klaviyo, Inc.

125 Summer Street Floor 6

Boston, MA 02110-1641

Lincoln Automotive Financial Services

Customer Service Center

P.O. Box 542000

Omaha, NE 68154-8000

MALL AT ROCKINGHAM, LLC

MALL AT ROCKINGHAM, LLC

225 West Washington Street

Indianapolis, IN 46204-3435

Mall at Northshore, LLC

M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Mall at Smith Haven, LLC

M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Newport Centre, LLC

M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Old Vine - Kingwood Associates, LLLP

c/o Old Vine Management Group, Inc.

1459 South Pearl Street

Denver, CO 80210-2226

PAYCOR c/o CST Co.

PAYCOR c/o CST Co

PO Box 33127

Louisville, KY 40232-3127

PAYPAL CREDIT/SYNCE

PAYPAL CREDIT/SYNCE

PO BOX 71707

Philadelphia, PA 19176-1707

PUGET SOUND ENERGY

PUGET SOUND ENERGY

PO BOX 91269

92690

Paypal, LLC

2211 North First Street

San Jose, California, CA 95131-2021

Puget Sound Leasing Co., Inc.

P.O. Box 91269

Issaquah, WA 98027

QUEST RESOURCE MANAGMENT GROUP LLC

QUEST RESOURCE MANAGMENT GROUP LLC

P.O. Box 560261

The Colony, TX 75056-0261

ROYAL TEA NEW YORK LLC

ROYAL TEA NEW YORK LLC

661 Hadley Road

South Plainfield, NJ 07080-2403

RWS Facility Services

Dept. #40299

PO Box Box 740209

Atlanta, GA 30374-0209

SA Galleria, LLC

M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

SDG FASHION MALL LIMITED PARTNERSHIP,

SDG FASHION MALL LIMITED PARTNERSHIP,

225 West Washington Street

Indianapolis, IN 46204-3435

SOU-TIER INC. (SAT)DBA

dba Robert F. Barnes

216 E. Rhapsody DR.

San Antonio, TX 78216-3114

Simon Property Group (Texas), L.P.

M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

Small Business Administration

Little Rock Loan Servicing

2120 Riverfront Drive, Suite 100

Little Rock, AR 72202-1794

Southcenter Mall

WEA Southcenter LLC

2049 Century Park East, 41st Floor

Los Angeles, CA 90067-3101

Tampa Westshore Associates

Tampa, FL

U.S. Dept. of Justice

950 Pennsylvania Avenue, N.W.

Washington, DC 20530-0009

United States Attorney

Civil Processing Clerk

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San Antonio, TX 78216-5512

United States Trustee - AU12

United States Trustee

903 San Jacinto Blvd, Suite 230

Austin, TX 78701-2450

WEA SOUTHCENTER LLC

WEA SOUTHCENTER LLC,

2049 Century Park East, 41st Floor

Los Angeles, CA 90067-3101

WEBBANK (RE: SHOPIFY CAPITAL)

WEBBANK (RE: SHOPIFY CAPITAL)

100 Shockoe Slip, 2nd Floor

Richmond, VA 23219-4100

Washington Department of Revenue

Washington Department of Revenue

2101 4th Ave

Seattle, WA 98121-2352

Westchester Mall, LLC

M.S. Management Associates Inc.

225 West Washington Street

Indianapolis, IN 46204-3435

YOTPO INC.

YOTPO INC.

233 Spring ST. 6th Floor West

New York, NY 10013-1522

Stephen W. Sather

Barron & Newburger, PC

7320 N MoPac Expy, Suite 400

Austin, TX 78731-2347

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Chase	Elan Financial Services	GRAND RIDGE PLAZA II, LLC,
Chase Bank	Elan Financial Services	c/o Regency Centers Corporation
PO BOX 6294	PO Box 790408	One Independent Drive 114
Carol Stream, IL 60197-6294	Saint Louis, MO 63179	Jacksonville, FL 32202-5019

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Kings Perez Flooring	End of Label Matrix	
Kings Perez Flooring	Mailable recipients	57
kingsperezflooring@gmail.com	Bypassed recipients	1
	Total	58